

REMARKS

In the Office Action, the Examiner rejected claims 1-36 under 35 USC § 103(a). This rejection is fully traversed below.

Claims 1, 12, 14, 20, 23, and 24 have been amended to further clarify the subject matter regarded as the invention. Claims 1-36 remain pending in the application. Reconsideration of the application is respectfully requested based on the following remarks.

PATENTABILITY OF THE CLAIMED INVENTION

In the Office Action, the Examiner rejected claims 1-36 under 35 USC § 103(a) as being unpatentable over Ralston et al., U.S. Patent No. 6,389,454, in view of Dean et al., U.S. Patent No. 6,167,379. These rejections are fully traversed below.

In the Office Action, the Examiner relies on a combination of Ralston et al. and Dean et al. in order to reject the claims. However, in order to combine references, there must be some motivation or suggestion of record to do so. "Determination of obviousness can not be based on the hindsight combination of components selectively culled from the prior art to fit the parameters of the claimed [sic] invention." ATD Corp. v. Lydall, Inc., 48 USPQ2d 1321 (Fed. Cir. 1998). While Dean et al. does disclose updating a portable calendar, there is no motivation or suggestion to use calendars with the appointment scheduling system of Ralston et al. The mere fact that Ralston et al. could be modified to incorporate the calendars of Dean et al. does NOT make the modification obvious unless the prior art suggested the desirability of the modification. In re Laskowski, 10 USPQ2d 1430 (Fed. Cir. 1989).

Further, even if the combination of these references were appropriate, the combination would not teach or suggest the claimed invention.

As to claim 1, Ralston et al. does not teach or suggest "(b) determining available appointment times within the time period for the service provider through use of a central appointments server having access to a central appointment database that stores calendars for various service providers...." In Ralston et al., a client can schedule an appointment but any appointment candidates are retrieved from remote

schedule servers 38, 48 and 58, not the central scheduling server 80. Ralston et al., col. 5, lines 17-32. Dean et al. cannot overcome this defect of Ralston et al. On page 3 of the Office Action, the Examiner references the abstract and col. 2, lines 15-21 and 42-56 as somehow disclosing the central appointment database. Applicants do not believe that Dean et al. teaches or suggests a central appointment database as is recited in claim 1. Even if it did, there is no teaching or suggestion in either Ralston et al. or Dean et al. to “determining available appointment times within the time period for the service provider through use of a central appointments server having access to a central appointment database that stores calendars for various service providers...” as recited in claim 1.

In addition, claim 1 recites “wherein said method is implemented by an entity other than the service provider or the user” (claim 1, lines 14-15). Ralston et al. appointment scheduling is with an organization’s 30, 40, 50 multiple facilities 35, 45, 55. According to the Examiner, the “service provider” is the organization, and thus Dean et al. does not teach or suggest that the method of claim 1 would be performed by an entity other than the organization.

Accordingly, it is submitted that claim 1 is patentably distinct from Ralston et al. and/or Dean et al.

Claim 12 pertains to a computer readable medium including computer program code performing some operations that are similar to the operations performed by the method of claim 1. In addition, claim 12 recites features not recited in claim 1. In particular, claim 12 recites:

computer program code for setting the on-line appointment between the user and the service provider at the selected appointment slot, the on-line appointment initially having a pending status; and

computer program code for enabling the service provider to confirm the on-line appointment which has been requested by the user and then altering the on-line appointment from the pending status to a confirmed status.

Claim 12, lines 14-19.

The Examiner points to col. 6, lines 17-24 of Dean et al. as pertaining to confirmation. Here, Dean et al. merely discloses that the scheduling system 10 can confirm appointment with the facilities 35, 45, 55. However, such mention of confirming the

appointment with the facilities does not teach or suggest the specific operations recited in claim 12. There is no teaching or suggestion for pending status and confirmed status for appointments. Nor is there any teaching or suggestion for “enabling the service provider to confirm the on-line appointment which has been requested by the user and then altering the on-line appointment from the pending status to a confirmed status” as recited in claim 12.

Based on the foregoing, it is submitted that claim 12 is patentably distinct from Ralston et al. and/or Dean et al.

Claim 9 pertains to a method for providing an on-line appointment over a network. Among other things, claims 9 recites: “(g) updating the user’s electronic calendar with the appointment; and (h) updating an electronic calendar for the selected one of the available service providers with the appointment.”

Although the Examiner admits that Ralston et al. does not disclose such features, the Examiner relies on Dean et al. to remedy the deficiencies of Ralston et al. However, as noted above, there is no motivation to combine Dean et al. with Ralston et al. as proposed by the Examiner. Ralston et al. does not make use of calendars, and thus the updating of calendars of Dean et al. would not be useful. Further, even if the combination were appropriate, the combination would not teach or suggest providing or updating a user’s electronic calendar or an electronic calendar of a service provider with which an appointment has been scheduled. For at least these reasons, it is submitted that claim 9 is patentably distinct from Ralston et al. and/or Dean et al.

Claim 13 pertains to a computer readable medium including computer program code performing operations similar to the operations performed by the method of claim 9. Hence, for similar reasons to those noted above with respect to claim 9, it is submitted that claim 13 is patentably distinct from Ralston et al. and/or Dean et al.

Claim 14, among other things, recites: “(a) registering service providers over the global computer network to identify at least offered services, appointment hours, contact information for the registered service providers; (b) providing an on-line calendar for each of the registered service providers....” However, neither Ralston et al. nor Dean et al. teach or suggest these operations of claim 14. Moreover, claim 14 recites “wherein said method is implemented by a third-party entity other than the registered service providers or the registered individuals.” Ralston et al. and Dean et al. also fail to teach

or suggest implementation of the method by a third-party entity. Thus, it is submitted that claim 14 is patentably distinct from Ralston et al. and/or Dean et al.

Claim 20, among other things, recites: "said appointment server and said appointment database together provide storage and access for calendars of the users and provide assistance to users to request appointments and thereafter permit confirmation the appointments." Neither Ralston et al. nor Dean et al. teach or suggest providing storage and access to calendars of various users and to enable users to request appointments and have such appointments confirmed. It is submitted that claim 20 is patentably distinct from Ralston et al. and/or Dean et al.

Claim 25, among other things, recites "maintaining on-line calendars for the registered users, the on-line calendars including scheduled appointments or events for the respective registered user...." Neither Ralston et al. nor Dean et al. teach or suggest maintaining on-line calendars for registered users, with the calendars including scheduled appointments or events for the respective registered users. It is submitted that claim 25 is patentably distinct from Ralston et al. and/or Dean et al.

Claim 29, among other things, recites: "registering service providers for on-line appointments over the global computer network, said registering providing appointment availability information for the registered service providers...." Neither Ralston et al. nor Dean et al. teach or suggest such registration of service providers with their appointment availability. It is submitted that claim 29 is patentably distinct from Ralston et al. and/or Dean et al.

Based on the foregoing, it is submitted that claims 1, 9, 12, 13, 14, 20, 25 and 29 are patentably distinct from Ralston et al. and/or Dean et al. In addition, it is submitted that dependent claims 2-8, 10, 11, 15-19, 21-24, 26-28 and 30-36 are also patentably distinct for at least the same reasons. The additional limitations recited in the independent claims or the dependent claims are not further discussed as the above discussed limitations are clearly sufficient to distinguish the claimed invention from 1-36. Thus, it is respectfully requested that the Examiner withdraw the rejection of claims 1-36 under 35 USC §§ 102(e), 103(a).

INFORMATION DISCLOSURE STATEMENT


On October 19, 2001, Applicants filed an Information Disclosure Statement. The Examiner has not yet returned an initialed-version of PTO-1449 indicating consideration of the references therein identified. It is respectfully requested that the Examiner enclose a copy of same with the next Office communication.

SUMMARY

It is submitted that claims 1-36 are patentably distinct from the cited references. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 500388 (Order No. ACC1P001).

Respectfully submitted,
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